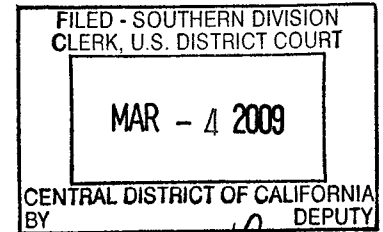


ORIGINAL

Submitted Jointly



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

QUIKSILVER, INC., a Delaware
Corporation, and FREDRICK
PATACCHIA, JR., an individual,
Plaintiffs,

v.

ORANGE CLOTHING COMPANY,
a Florida Corporation, and KMART
CORP. OF ILLINOIS, an Illinois
Corporation,
Defendants.

Case No. SACV08-01137 AG (MLGx)

~~PROPOSED~~ CONSENT
JUDGMENT AND PERMANENT
INJUNCTION

1 Pursuant to the Stipulation for Entry of Judgment and Permanent
2 Injunction filed in this matter,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
4 judgment be entered in favor of Plaintiffs Quiksilver, Inc. ("Quiksilver") and
5 FREDRICK PATACCHIA, JR. ("Pattachia") (collectively "Plaintiffs"), and against
6 Defendant ORANGE CLOTHING COMPANY ("Orange Clothing"), and that
7 Defendant Orange Clothing, and its respective directors, officers, agents, servants,
8 employees and/or representatives, successors and assigns, and all ^{other} persons acting at
9 the request or direction of ^{Orange Clothing} ~~any of the above~~, are hereby permanently restrained and
10 enjoined from:

11 1. Using the image or likeness of Patacchia or any other Quiksilver-
12 sponsored athlete in the design, advertising, promotion, marketing, offering for sale
13 or sale of any products or services;

14 2. Using the Boarding Wave Logo, as depicted in Exhibit A attached
15 hereto, whether alone or in combination with any other symbol, word or mark, in
16 the design, advertising, promotion, marketing, offering for sale or sale of any
17 products or services, except that Orange Clothing shall not be enjoined from using
18 the wave depicted in the Boarding Wave Logo as part of a combined logo that
19 includes a word of at least four letters within the logo, provided that the word is
20 depicted of equal prominence to the wave, and provided that such combined logo
21 be used in a manner not likely to cause confusion with Quiksilver's products or
22 trademarks;

23 3. Using any other confusingly similar variations of Quiksilver's
24 Mountain and Wave and Old Mountain and Wave trademarks, as depicted in
25 Exhibits B and C respectively attached hereto, in any manner which is likely to
26 create the erroneous impression that Orange Clothing's goods originate from
27 Quiksilver, are endorsed by Quiksilver, or are connected in any way with
28 Quiksilver;

1 4. Using an image or representation of any Quiksilver products in the
2 design, advertising, promotion, marketing, offering for sale or sale of any products;

3 5. Positioning a logo or design on the bottom edge of a shirt sleeve in a
4 manner similar to that depicted in Exhibit D attached hereto, using a flex fly similar
5 to Quiksilver's patented "neo fly" as depicted in Exhibit E attached hereto, or
6 otherwise adopting any confusingly similar variations of Quiksilver's distinctive
7 trade dress in the design, advertising, promotion, marketing, offering for sale or sale
8 of (a) any products displaying and/or sold in connection with the name "Boarding"
9 or any logo usage as described in Paragraph No. 2, or (b) any products sold,
10 marketed or advertised as surf-, skate- or snow-inspired, and;

11 6. Using hangtags or labels that are copies, derivatives of or styled to
12 appear similar to the hangtags or labels affixed to Quiksilver's products in the
13 design, advertising, promotion, marketing, offering for sale or sale of any products.
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16 Dated: MARCH 3, 2009

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19 Hon. Andrew J. Guilford
20 U.S. District Court Judge
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